

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

TRANISE LOCKETT, as next friend and)
conservator of her minor child, J.B.,)

Plaintiffs,)

v.)

Case No. 4:06CV0223 RWS

TONY LAM, M.D., et al.,)

Defendants.)

MEMORANDUM AND ORDER

This matter is before me on the United States' motion to dismiss for lack of subject matter jurisdiction [#9] and Plaintiff's motion to remand [#15]. Both motions will be granted.

Plaintiff has brought suit against Dr. Tony Lam and Forest Park Hospital for medical malpractice. On March 8, 2006, the United States filed a motion to substitute itself as party for Dr. Lam under the Federal Torts Claims Act. I granted the motion. The United States has now moved to dismiss this case because Plaintiff has failed to exhaust administrative remedies as required by the FTCA. Plaintiff consents to the motion.

Plaintiff has moved for remand because I do not have subject matter jurisdiction over this case. The only basis for subject matter jurisdiction in this Court was the FTCA, and because I am dismissing the United States as party to this case that basis no longer exists. Plaintiff is correct. I lack jurisdiction over this case, and I will remand it to the Circuit Court for the City of St. Louis.

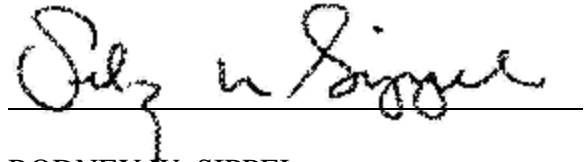
Accordingly,

IT IS HEREBY ORDERED that the United States' motion to dismiss [#9] is **GRANTED** and Plaintiff's claims against the United States are **DISMISSED** without prejudice.

IT IS FURTHER ORDERED that Plaintiff's motion to remand [#15] is **GRANTED**.

IT IS FURTHER ORDERED that this case shall be remanded to the Circuit Court for the City of St. Louis.

An Order of Remand will accompany this Memorandum and Order.

A handwritten signature in cursive script, appearing to read "Rodney W. Sippe", is written over a horizontal line.

RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE

Dated this 16th day of May, 2006.